

House Study Bill 136 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON KLEIN)

A BILL FOR

1 An Act relating to an emergency contact information database
2 for use by the department of transportation and law
3 enforcement, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 321.197 Emergency contact
2 information database.

3 1. The department shall establish a database of emergency
4 contact information for persons who are issued a driver's
5 license or nonoperator's identification card. Information
6 in the database shall be confidential and accessible only by
7 employees of the department or a law enforcement agency in the
8 performance of the employee's official duties, and shall not be
9 considered a public record under chapter 22.

10 2. *a.* The department shall provide an emergency contact
11 information form to applicants seeking issuance or renewal
12 of a driver's license or nonoperator's identification card.
13 The form shall request, but not require, that the person
14 submit emergency contact information for inclusion in the
15 database. A person may complete and submit the form on its own
16 or with an application for issuance or renewal of a driver's
17 license or nonoperator's identification card. The department
18 shall not require the submission of a completed emergency
19 contact information form as part of the driver's license or
20 nonoperator's identification card issuance or renewal process.
21 The department shall accept submitted forms without payment of
22 a fee.

23 *b.* The emergency contact information form shall contain
24 a space in which a person may provide the name, address,
25 telephone number, and relationship to the person of no more
26 than two emergency contacts whom the person wishes to be
27 contacted if the person is involved in a motor vehicle accident
28 or emergency situation and the person dies or is seriously
29 injured or rendered unconscious and is unable to communicate
30 with the emergency contact. A person may submit a completed
31 emergency contact information form that does not provide a
32 response to every section.

33 *c.* The emergency contact need not be the next of kin of the
34 person, except that if the person is under eighteen years of
35 age and is not emancipated, the person shall include a parent,

1 guardian, or custodian of the person as an emergency contact.
2 *d.* A person may opt out of being listed as an emergency
3 contact in the database by declaring in a space provided
4 on the emergency contact information form that the person
5 does not consent to the person's contact information being
6 stored in the database or used by the department and law
7 enforcement agency employees in an emergency situation. The
8 department shall remove and shall not retain any information
9 previously collected under this section for a person listed
10 as an emergency contact by another person when the department
11 receives the opt-out notice.

3. In the event of a motor vehicle accident or emergency situation in which a person dies or is seriously injured or rendered unconscious and is unable to communicate with the emergency contact specified in the database, an employee of a law enforcement agency shall make a good-faith effort to notify the emergency contact of the situation based on information in the database, but the department, the law enforcement agency, and the employee shall not be liable if the employee is not able to notify the emergency contact.

21 4. The department shall adopt rules pursuant to chapter 17A
22 necessary to administer this section, including but not limited
23 to rules relating to all of the following:

24 a. The methods whereby a person who has submitted the
25 information of an emergency contact for inclusion in the
26 database may make changes to that entry.

27 *b.* The contents of the emergency contact information form.

28 c. The methods available to a person to submit a completed
29 form including by in-person delivery, mail, and through the
30 department's internet site.

31 d. The methods whereby a person may opt out of being listed
32 as an emergency contact in the database.

33 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,
34 2022.

EXPLANATION

1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill requires the department of transportation (DOT) to
4 create an emergency contact information database which contains
5 information for emergency contacts listed by a person who
6 submits an emergency contact information form to the DOT. In
7 the event of a motor vehicle accident or emergency situation in
8 which a person who provided emergency contact information to
9 the DOT dies or is seriously injured or rendered unconscious
10 and is unable to communicate with the emergency contact, law
11 enforcement agency (LEA) employees are required to make a
12 good-faith effort to notify the emergency contact using the
13 database.

14 The DOT is required to provide an emergency contact
15 information form to persons seeking issuance or renewal of
16 a driver's license or nonoperator's identification card.
17 However, any person having a driver's license or nonoperator's
18 identification card may submit an emergency contact information
19 form to the DOT in person, through the mail, or online through
20 the DOT's internet site. There is no fee required to submit
21 the emergency contact information form.

22 Information in the database is confidential and only
23 accessible to DOT and LEA employees in the performance of the
24 employee's official duties and shall not be considered a public
25 record.

26 The form allows a person to provide the name, address,
27 telephone number, and relationship to the person of no more
28 than two emergency contacts whom the person wishes to be
29 contacted if the person is involved in a motor vehicle accident
30 or emergency situation and later dies or is seriously injured
31 or rendered unconscious and is unable to communicate with the
32 emergency contact. A person may submit a completed emergency
33 contact information form that does not provide a response to
34 every section.

35 The emergency contact need not be the next of kin of the

1 person, except that if the person is under 18 years of age
2 and is not emancipated, the person shall include a parent,
3 guardian, or custodian of the person as an emergency contact.

4 A person may opt out of being listed as an emergency contact.

5 The bill requires the DOT to remove and prohibits the DOT
6 from retaining any information previously collected under the
7 bill for a person listed as an emergency contact when the DOT
8 receives the opt-out notice.

9 The bill limits the liability of the DOT, LEAs, and LEA
10 employees who make a good-faith effort to notify the emergency
11 contact of the emergency situation but are unable to do so.

12 The bill takes effect January 1, 2022.